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Developments, from 1950 through 1960, are traced concerning migratory labor in Colorado in the areas of employment, wage rates, minimum wage legislation, employment of Mexican nationals, education, health, housing, sanitation, welfare, unemployment compensation, workmen's compensation coverage, and the licensing and regulation of labor contractors and crew leaders. Areas for further study include the Bracero program of employment of Mexican nationals, workmen's compensation and occupational disease coverage, unemployment insurance coverage, minimum wage legislation, housing and sanitation, education, welfare, and licensing and regulation of labor contractors and crew leaders.

Funding and enforcement of regulations are the major obstacles to fulfillment of goals for improving the living, traveling, and working conditions of the migrant. Interstate programs have to be worked out before the program within a state can function at its best. Field studies and regional meetings are planned to provide additional information toward solution of problems involved.

It was recommended that the present summer school program for migrant children be expanded; that financing continue to be drawn from the contingency fund of the Public School Foundation; that statutes which authorize the State Board of Health to perform specific functions and promulgate rules and regulations, especially with respect to labor camps and sanitation, be revised to give adequate regulatory and enforcement powers; and that the employment of Mexican nationals be studied further, with greater effort directed at employing domestic interstate and intrastate migrants whenever possible.

Legislative developments are appended, bill by bill. Tables show wages paid, and welfare expenditures.

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Report to the Colorado General Assembly:

MIGRATORY LABOR IN COLORADO

A Progress Report

1876

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RESEARCH PUBLICATION NO. 43

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The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

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REPORT TO THE

COLORADO GENERAL ASSEMBLY

MIGRATORY LABOR IN COLORADO

A Progress Report

Research Publication No. 43

COLORADO GENERAL ASSEMBLY

1876

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November 18, 1960

To Members of the Forty-third Colorado General Assembly:

As directed by the terms of Senate Joint Resolution No. 21 (1960), the Legislative Council is submitting herewith its report on the progress of the migratory labor study.

The committee appointed by the Legislative Council to make this study submitted its progress report on November 17, 1960, at which time the report was adopted by the Legislative Council for transmission to the General Assembly.

Respectfully submitted,

Charles Conklin

Charles Conklin
Chairman

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LETTER OF TRANSMITTAL

November 18, 1960

The Honorable Charles Conklin, Chairman
Colorado Legislative Council
State Capitol
Denver 2, Colorado

Dear Mr. Chairman:

Transmitted herewith is the report of the Legislative Council Committee on Migratory Labor, appointed pursuant to Senate Joint Resolution No. 21 (1960). This resolution required only that the committee report its progress to the first session of the Forty-third General Assembly. This progress report is submitted as directed by the resolution and covers the following: migratory labor studies and legislation in Colorado since 1950, development of programs and services since 1950, subjects which need further study, and a proposed plan for completion of the study.

Respectfully submitted,

/s/ Representative Ray Simpson
Chairman
Committee on Migratory Labor

FOREWORD

This study was authorized by Senate Joint Resolution No. 21, passed at the second session of the Forty-second General Assembly. This resolution directed the Legislative Council or a committee appointed by it to conduct a study of the problems of migrant laborers and their families. In making the study, the resolution specified that consideration be given to the following:

1) coordination of the efforts of state and other public agencies and state-wide and local charitable, ethnic, and religious organizations in attempting solutions to the problems of migrant farm workers;

2) cooperation between federal and state agencies to facilitate the recruitment, transportation, and placement of migratory farm workers;

3) economic problems affecting migratory farm workers;

4) community cooperation in providing social services to such workers; and

5) schooling available to the children of migrant families.

The Legislative Council committee appointed to make this study included: Representative Ray Simpson, Cope, Chairman; Senator Thelma Finley, Center, Vice-Chairman; Senator John Cleary, Denver; Representative Bert Gallegos, Denver; Representative Noble Love, La Salle; Senator Ranger Rogers, Littleton; Senator L. P. Strain, La Junta; and Representative Betty Kirk West, Pueblo. Harry O. Lawson, Legislative Council senior research analyst, had the primary responsibility for the staff work on this study.

Senate Joint Resolution No. 21 required only that the committee report its progress to the first session of the Forty-third General Assembly, because it was anticipated that the study would take more than one year to complete. In accord with the reporting requirements of the resolution, the Legislative Council Committee on Migratory Labor planned the study on this basis, and the first portion is covered in this progress report.

Lyle C. Kyle
Director

November 17, 1960

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COMMITTEE FINDINGS AND RECOMMENDATIONS

The subjects on which the committee concentrated during the first year of the migratory labor study included: employment, wage rates, and minimum wage legislation; employment of Mexican nationals; education; health, housing, and sanitation; welfare; unemployment compensation; workmen's compensation coverage; and the licensing and regulation of labor contractors and crew leaders. With respect to these subjects, the committee traced developments since the 1950-1951 study of migratory labor in Colorado and has outlined those subject areas on which further study is needed.

Previous Study and Program Progress

1950-1951 Migratory Labor Study

The last comprehensive official study in Colorado of the various aspects of the migratory labor situation was made in 1950-1951 by the Governor's Survey Committee on Migratory Labor. This committee consisted of professors, representatives of the various sugar companies, church and social welfare representatives, school representatives, union representatives, and several lay members. Technical assistance was provided by staff members of the following state agencies; welfare, employment, health, agriculture, education, vocational education, and the Industrial Commission.

In its report the 1950-1951 committee stated that migratory housing was inadequate, education and health programs insufficient, and welfare assistance limited; further, there was exploitation of migrants by contractors and crew leaders and migrants were excluded from statutes pertaining to child labor, workmen's compensation, unemployment compensation, and wage claims. This committee recommended several legislative measures and administrative programs to overcome these deficiencies.

Although bills were introduced in several subsequent sessions of the General Assembly, none were adopted; meanwhile, state agencies were making considerable progress in the development of the programs in which deficiencies were found by the 1950-1951 study committee.

Measuring the Migratory Labor Problem

During the past three years, a maximum of from 13,000 to 14,000 migratory laborers were employed at any one time in the state. Migratory labor is needed in Colorado between the months of May and November. Following is a list of the chief crops for which migratory labor is used and the usual time for each:

Onion weeding, late April to late July
Sugar beet thinning and hoeing, late May to late July
Hay harvest, early June to early October
Vegetable harvest, early June to early November
Small grain harvest, late June to early August
Fruit harvest, early June to early November
Potato harvest, early July to late October
Sugar beet harvest, early October to mid-November

The migratory labor force is composed of three categories of workers:

1) intrastate -- Colorado residents working in parts of the state beyond commuting distance from their homes;

2) interstate -- residents of other states; and

3) foreign -- in Colorado, these are usually all Mexican nationals.

Migratory workers are employed primarily in five areas of the state: Northern Colorado, San Luis Valley, San Juan Basin, Arkansas Valley, and the Grand Junction-Palisade area. The number of migratory workers in the state as a whole and by area varies from May to October with the season for each agricultural activity.

The early peak employment period is usually reached in June with most of the migratory labor force concentrated in northern Colorado for sugar beet thinning and hoeing, so-called "stoop crop" work. It is during this period that the greatest number of Mexican nationals are employed, as it is usually difficult to recruit either intrastate or interstate domestic workers for "stoop crop" work. Department of Employment statistics for 1959 show that the early peak employment period was reached during the week of June 4, when 12,437 migratory workers were employed. This total included 1,056 intrastate, 5,551 interstate, and 5,830 Mexican nationals.

The late season peak in 1959 was reached during the week of August 27, when 12,828 workers were employed. This total included 2,932 intrastate, 7,124 interstate, and 2,772 Mexian nationals. The chief agricultural activity at that time was the fruit harvest in the Grand Junction-Palisade area. It is less difficult to recruit domestic (both intrastate and interstate) migratory labor for this work, so fewer Mexican nationals were needed.

Colorado is essentially a receiving state (not a supply state) in the use of migratory labor. Very few resident agricultural workers leave the state for the migrant stream. Colorado's interstate migratory workers come primarily from Texas, Arizona, and New Mexico. Those who come here early in the season may move on to Wyoming, Nebraska, Montana, or Idaho, and return to Colorado in the fall. The largest number of interstate migratory laborers come from Texas. Indians from New Mexico and Arizona also enter the state in significant numbers, and in 1959 Indians from South Dakota were employed.

Developments in Migratory Labor Programs and Services Since 1951

The most significant program developments since the 1950-1951 study have been in employment, education, and health. In addition, the governor appointed an interagency committee on migratory labor, and attention has been given to promulgating and enforcing safe transportation standards.

Department of Employment. Approximately 80 to 85 per cent of the state's migratory labor supply (including some Mexican nationals) is now recruited by the Department of Employment. There is still some recruitment by labor contractors, sugar companies, processors, and individual farmers. The problem of correlating migrant workers with areas of employment when needed (thus reducing migrant unemployment and hoarding of labor when other areas are in need) has been corrected in part by the development of the annual workers plan. Crew leaders working through the employment departments of Texas, Arizona, and New Mexico fill out a schedule showing where they expect their crews to be and at what times; for example, Colorado in June, Montana in July, Nebraska in August, etc. The employment office in each state in which the crew is planning to work receives a copy of this trip ticket, which is an aid in determining how many migratory workers will be available in the state at a given time.

Department of Education. The Department of Education is conducting a two-facet program concerning migratory children. First, in cooperation with local school districts, the department is financing and supervising six-week summer school sessions. Second, in cooperation with the U. S. Office of Education, the department is conducting several research projects. The studies being made under this grant are not limited in application to Colorado, the results being useful to other states with migrant education problems.

Colorado was selected for this three-year grant of $36,100 because of the progress made in recent years with the summer school program. Six school programs were operated during the past summer for migrant children. These summer school sessions lasted six weeks in five of the districts and five weeks in the other -- Fort Lupton. In addition to Fort Lupton, schools were operated in Palisade, Rocky Ford, Wiggins, San Luis and Monte Vista. These summer school programs are financed from the contingency fund of the State Public School Fund. The only expense to the school districts is for any supervisory personnel above the grade of principal, and the schools furnish the buildings, equipment, buses, etc. The funds to which a school district is entitled for the operation of these special term schools are determined by a special state aid formula developed by the Department of Education for this purpose. There were an estimated 700 children enrolled in the summer schools in 1960 as compared with 554 at the start of the program in 1959.

Department of Health. The Department of Health, through its Maternal and Child Health Section, established a program in 1955 to increase health and medical services available to migrant workers and to improve utilization of these services. The department has been aided financially in this endeavor through an annual grant of $40,000 from the U. S. Children's Bureau.

In the spring of 1955, the staff for the migrant program consisted of the director of the Maternal and Child Health Section, who organized and administered the program, and a full-time medical social consultant. Two local programs were undertaken at that time in Weld and Mesa counties. Staff needs were augmented by the local health departments through the provision of public health nurses for the various projects. Medical services have been provided by local physicians at low flat fees or without compensation. Four projects were operated by the Department of Health, during the past growing and harvest season: Weld County (Fort Lupton), Mesa County (Palisade), Otero County, and San Luis Valley. Through these health department programs, medical care, immunization and preventive services have been provided for migrants. The migrants are educated in the use of the clinics and in the value of good health practices.

Governor's Committee on Migratory Labor. This committee was first set up unofficially by the heads of the Departments of Health, Education, and Welfare in the fall of 1957. The governor gave official designation to the committee in April, 1958. The main purpose of the committee is to serve as a liaison among the state agencies concerned with migratory labor, and to advise the governor concerning migrant labor problems.

Represented on the committee are the following agencies: Market Division, Department of Agriculture; Port of Entry Division, Department of Revenue; Colorado State Patrol; Farm Placement Division, State Department of Employment; Child Welfare Division, State Department of Welfare; State Department of Education; Child and Maternal Health Section, Department of Health; and the Governor's Office. A representative of the Colorado Conference on Social Welfare was added to the committee in 1959.

In general, the committee's meetings have been devoted to an exploration of some of Colorado's migrant labor problems, the functions of the various state agencies and cooperation among them. In addition, the committee has given some consideration to the possibilities of interstate cooperation.

Subjects for Continued Study

The Bracero Program -- Employment of Mexican Nationals

The temporary relocation of Mexican nationals to assist in agricultural production in the United States was first arranged in 1952 by executive agreement between the two nations. In 1951, the U.S. Congress passed Public Law 78, which provided for the recruitment and employment of Mexican nationals as agricultural laborers in this country.

Under the terms of Public Law 78, employers who use Mexican nationals are required to agree: 1) to indemnify the United States against loss by reason of its guarantee of such employers' contracts; 2) to reimburse the United States for essential expenses, not including salaries or expenses of regular department or agency personnel, incurred for the transportation and subsistence of Mexican nationals, not to exceed $15 per worker; and 3) to pay to the United States an amount determined to be equal to the cost of returning a Mexican national to the reception center, in those instances in which such worker is not returned to the reception center in accordance with the contract.

No workers are to be recruited under the provisions of Public Law 78, unless the U.S. Secretary of Labor has certified that: 1) there is not a sufficient supply of domestic workers in the area; 2) employment of such workers will not adversely affect the wages and working conditions of domestic workers similarly employed; and 3) reasonable efforts have been made to attract domestic workers for such employment at wages and hours of work comparable to those offered foreign workers.

Public Law 78 originally was scheduled to expire in 1953, but there have been several extensions, the last of which was enacted at the last session of Congress and extended the termination date to June 30, 1962.

Reaction to Bracero Program. The operation of the Bracero program has been viewed with mixed emotions by both agricultural employers and domestic migratory workers. The employers welcome the opportunity to have a labor supply available for stoop crop work and similar agricultural labor which is disliked by domestic workers. On the other hand, some employers object to the numerous rules and regulations with which they must comply in order to secure the employment of Mexican nationals. Not the least of these objections is the cost of meeting housing and sanitation standards, which some employers consider excessive, especially for the comparatively short time Mexican nationals are employed.

Complaint is also made about the lack of flexibility in the employment of Mexican nationals. They cannot be used for tasks other than those contracted for, even if other work is available instead of the labor originally planned. There is some community objection to the employment of Mexican nationals as well. This objection is usually voiced by local merchants who are unable to sell much merchandise to Mexican nationals, because most of them live frugally and save as much of their wages as possible for use after return to Mexico; in contrast, domestic migrant workers usually patronize local merchants.

Spokesmen for domestic migrant workers feel that growers often create an artificial labor shortage to justify bringing in Mexican nationals. It is contended that the employment of Mexican nationals often depresses the wage level for domestic workers, even though Public Law 78 and the subsequent legislation was aimed at preventing such a situation. It is also pointed out with some bitterness that Mexican nationals have greater legal protections than are usually accorded domestic migrants. Housing and sanitation standards and working conditions are considered to be more adequate for Mexican nationals than for domestic agricultural labor.

Workmen's Compensation and Occupational Disease Coverage

Workmen's compensation coverage for migratory labor has been provided thus far in only six states. There appears to be no way of covering migratory workers without extending coverage to all agricultural labor. In most states there has been considerable objection to extending coverage in this way; yet proponents contend that it would be unfair to resident agricultural workers to provide such coverage only for migrants. The increased use of machinery and chemical compounds in agricultural production has increased occupational hazards considerably.

In Colorado, employers of agricultural labor may elect coverage under workmen's compensation and occupational disease legislation; few have done so, although a considerable number of agricultural employers have liability insurance coverage which applies to employee injuries. A comparative analysis is needed of the rates for workmen's compensation insurance and general liability insurance to determine which provides the most adequate coverage at the least expense.

Unemployment Insurance Coverage

Unemployment insurance coverage for migrant workers is not now provided by any state and would involve many technical as well as political difficulties. While a method could be found to cover resident agricultural workers, it seems unlikely from preliminary analysis that a state acting independently could provide unemployment insurance coverage for domestic interstate migrants. There are two major obstacles to providing such coverage: 1) Migrant laborers seldom work long enough in any state except their state of residence to establish the standard base period necessary to qualify for coverage. 2) The addition of unemployment insurance coverage in one state and not in others might put growers in that state at a competitive cost disadvantage with growers in the other states.

If an equitable method of providing unemployment insurance coverage can be found, it might have the effect of more efficient utilization of migratory labor, thereby reducing periods of unemployment. It would certainly necessitate further interstate cooperation in the movement and more effective utilization of migratory labor.

Minimum Wage Legislation

Considerable study appears necessary on this subject before an acceptable proposal can be developed. If such legislation is considered, preliminary analysis indicates that it would be more desirable to establish minimum wage rates either through interstate agreements or by federal legislation.

The states with high wage scales favor minimum wage legislation which would apply either nationally or to a several-state area. It would be to the advantage of these states to have a minimum rate set high enough to increase wages in low rate states such as Texas and Arizona. Such an increase would narrow the gap in production costs with the result that the higher wage states would be in a better competitive position from a marketing standpoint.

There appears to be considerable disadvantage to having minimum wage legislation which would apply only to one state. If such legislation set a minimum rate higher than the usual rates in surrounding states, agricultural producers would have a cost disadvantage, even though a sufficient supply of labor would be assured. On the other hand, a low minimum rate (below the general average) set by legislation would accomplish little beyond a formal expression of public policy.

A great deal of concern has been expressed over the conversion of piece rates to hourly rates for the purposes of establishing minimum rates and determining whether minimum rate standards are complied with. It appears that a satisfactory solution to this problem would have to be found before legislation establishing realistic minimum rates would receive general acceptance.

Housing and Sanitation

While the Department of Health has the necessary statutory authority to make regulations and inspect facilities, these statutes do not contain penalty provisions, thus making enforcement difficult. Because of the Casey decision handed down by the Colorado Supreme Court, in which the court held that violation of a regulation could not be construed as a misdemeanor without proper statutory authority, the department is examining all of its statutes, rules, and regulations with the aim of suggesting needed statutory revision to the General Assembly. The Department of Health had hoped that at least a portion of this revision would be ready for the 1961 session, but it now appears that it will be 1962 before the revision is prepared.

Because of these questions concerning statutory authority, the department has not proceeded with migrant housing and sanitation regulations. An additional obstacle has been the inability to recruit an experienced, qualified health officer with camp housing and sanitation experience.

Obstacles to Improved Housing. There are several difficulties in developing improved housing for migrants: First, individual farmers who use migrant labor for short periods cannot afford to construct housing which remains idle most of the year. Second, if new houses are built or older housing remodeled, the assessed value of the property is raised, even though the buildings are used only a small portion of the time.

It has been suggested that consideration be given to building more central camps such as exist at Palisade and Fort Lupton. Workers could be transported to farms in the area in much the way as is done with the day haul program. Central camps could be developed and maintained on a cooperative or group basis by growers' associations or similar organizations. The objection has been made that central camps might not be an adequate solution in certain areas of the state such as the San Luis Valley, because of the wide area which must be covered in a short period of time during potato harvest.

Education

While there have been significant gains in the education of migrant children in Colorado in the past few years, programs are as yet insufficient to meet the needs. It is estimated that at least 15 summer schools are needed in comparison with the six operated during 1960. While a more adequate summer school program will assure school attendance for at least six weeks by a much larger number of migratory children, it offers no solution to the problem of regular school attendance. To a considerable degree, regular school attendance for migrant children is a problem which should be solved in the migrants' home base states, where they spend the greatest portion of the year at any one time. A majority of migrant families do not come to Colorado at a time when regular schools are in operation; still further study is needed of the methods which might be used in overcoming obstacles to regular school attendance for those migrant children who are in Colorado during a portion of the regular school year.

Cost of Summer School Program. The 1960 summer school program cost the Department of Education almost $29,000. If enough summer schools were established to handle adequately all sections of the state where migrant labor is used in any great quantity, it would require an expenditure of $90,000 to $95,000 per year. The classroom limit is presently based on only 15 students because of the specialized nature of instruction; each student needs and receives individual attention and teaching. In some instances, it has been found that 15 students may be too many, and a better ratio might be eight to ten students per teacher.

Licensing and Regulation of Labor Contractors and Crew Leaders

A labor contractor, in the strictest definition of the term, performs the function of recruiting and transporting migratory laborers. He may, although not necessarily, act as a foreman or overseer for his recruits and handle the payroll, grievances, and similar matters. For this function he usually receives a specified fee from the employer. In addition, depending on circumstances, he may be reimbursed by the migratory workers for transportation and/or subsistence. He may also receive a portion of their wages for acting as the group's agent and performing a variety of services.

The crew leader is often thought of as having a somewhat different function from that of labor contractor, although in practice it may be the same. He is usually the spokesman in a group or pool of migratory workers. As such he may handle transportation, job assignment and location, and provide field supervision. He may remain with one crew, traveling from state to state, and providing leadership. His relationship with the employers usually is about the same as the labor contractor's, inasmuch as he performs about the same functions, except for only one crew rather than several. He may be paid by the employer for his services in much the same way as the labor contractor is compensated, and he may also receive payment from his crew members.

Administration of House Bill 62 (1960). House Bill 62 requires labor contractors and crew leaders to keep payroll records on each migratory laborer as defined in the act to whom they pay wages. These payroll records are to be kept on forms prescribed and furnished by the Industrial Commission and include hours worked, amount earned, and all withholdings. The contractors and crew leaders covered by this legislation are also required to give similar itemized statements to each migratory laborer or to the immediate head of a working family unit.

Although the Industrial Commission has carried out an extensive information program and has attempted to contact labor contractors and crew leaders personally, only one (a labor contractor) has been found thus far, who is subject to the provisions of House Bill 62. This failure to register labor contractors and crew leaders is not the fault of the Industrial Commission's program; rather the commission has found that the labor contractor and crew leader as defined in H.B. 62 is virtually nonexistent. With one exception, the commission's field staff found that labor contractors and crew leaders in Colorado neither maintain payroll records nor pay migratory field laborers directly.

The commission reports that the majority of farmers in most of the areas using migratory labor appear to be paying wages directly and are keeping their own payroll and employment records. The growers have assumed this function for two major reasons, according to the commission: 1) Payroll information is needed by growers for tax reports. 2) Past abuses and unpleasant experiences with the labor contractor and crew leader system have resulted in many farmers taking over the payroll function.

While it appears that this legislation has fallen short of accomplishing its purposes (the provision of adequate payroll statements to migratory laborers and the prevention of wage payment abuses), the Industrial Commission is of the opinion that at least another year's experience is necessary before a proper evaluation of House Bill 62 can be made.

Proposal for Continued Study

A realistic appraisal of migratory labor problems and a proper evaluation of proposals for improvement cannot be made without first-hand knowledge concerning the migrant and the conditions under which he and his family live and work. For this reason, the committee proposes that a comprehensive field study be made as the next step in its study program. This field study to be coordinated with a series of committee regional meetings in the five areas of the state where the greatest number of migratory workers are employed: Northern Colorado, Arkansas Valley, San Luis Valley, Western Slope, and San Juan Basin. (The technique of combining an extensive field study with regional committee meetings was used very successfully by the Oregon Legislative Interim Committee on Migratory Labor created by the 1957 session of the Oregon Legislature.)

Committee Recommendations

At this point in the study, it is very difficult to make specific recommendations except one: that the General Assembly pass a joint resolution to continue the migratory labor study. The committee is of the opinion, however, that it has compiled and considered sufficient information to make a few general recommendations:

1) The present summer school program for migrant children should be expanded by the State Board of Education to provide educational opportunity for as many migrant children as possible. This program should continue to be financed as at present from the contingency fund of the Public School Foundation Fund. This method of financing provides encouragement to local districts and gives recognition to state responsibility, while providing the State Board of Education with sufficient authority to regulate and administer the program. Should the federal grant for the migrant education research project not be continued, sufficient state funds should be provided to assure continuity at the present level in the State Department of Education's administration of the migrant education summer school program.

2) The statutes which authorize the State Board of Health and state and local health departments to perform specific functions and promulgate rules and regulations, especially with respect to labor camps and sanitation should be revised to give these agencies adequate regulatory and enforcement powers.

3) The employment of Mexican nationals should be studied further, and greater effort should be directed at employing domestic interstate and intrastate migrants whenever possible.

MIGRATORY LABOR IN COLORADO

The committee began its study by reviewing the developments in programs for migratory workers and their families, as well as in employment, wages, and working conditions; housing and sanitation; welfare; and education since the 1950-1951 Governor's Committee study. State agency officials concerned with programs and services involving migrant workers and their families met with the committee to explain these programs and indicate further needs. These agencies included: Department of Education, Department of Employment, Department of Health, Department of Welfare, Industrial Commission, and State Patrol.

The subjects on which the committee concentrated during its first year of study consisted of the following:

1. Employment and Wage Rates--recruitment by the Department of Employment, number of migrants and crops for which employed, and wage rates paid.

2. Bracero Program--number and proportion of Mexican nationals used and crops for which employed, effect of Braceros on the state's agricultural economy, and comparison of wages and standards for Braceros and domestic migrants.

3. Education--present summer school program and future needs, interstate cooperation, results of Department of Education research project, financing school needs, regular school attendance, and adult education.

4. Housing, Health and Sanitation--Department of Health projects, housing and sanitation conditions and standards, and statutory and regulatory authority.

5. Transportation--present conditions, Interstate Commerce Commission regulations, and enforcement.

6. Welfare--welfare needs and programs and financing welfare services.

7. Minimum Wage Legislation--need and feasibility, interstate relationships, and piece-rate conversion.

8. Unemployment Compensation--administrative problems, interstate relationships, and feasibility.

9. Workmen's Compensation and Occupational Disease Coverage--feasibility, administrative problems, and expense.

10. Licensing and Regulation of Contractors and Crew Leaders--experience and problems under House Bill 62 (1960), and further needs.

The background information compiled on these subjects has assisted the committee in defining problem areas and has provided the basis for further study and consideration.[1]

Migratory Labor Studies and Legislation in Colorado Since 1950

1950-1951 Migratory Labor Study

The last comprehensive official study in Colorado of the various aspects of the migratory labor situation was made in 1950-1951. Prior to his appointment to the federal bench, Governor Lee Knous set up a Governor's Survey Committee on Migratory Labor. This committee consisted of professors, representatives of the various sugar companies, church and social welfare representatives, school representatives, union representatives, and several lay members. Technical assistance was provided by staff members of the following state agencies: welfare, employment, health, agriculture, education, vocational education, and the Industrial Commission.

This committee completed its study in December 1951, and its final report was presented in January 1952 to incoming Governor Dan Thornton. A supplementary study was also made in 1950 by the Child Labor League at the request of Governor Walter Johnson. This supplementary study covered housing, income, and education of Colorado migratory workers. This report was also submitted to Governor Thornton.

Since 1951, no over-all study of migratory labor problems in the state has been made, although several state agencies have made and are making special studies in connection with their migratory labor programs. In 1958, Governor McNichols appointed an official committee on migratory labor, composed of representatives of several state agencies. This committee was not set up to make a comprehensive study; rather, the committee's functions were construed as follows:[2]

> To consult with and advise the Governor and his staff regarding migrant labor problems; to act as liaison on behalf of the Governor of the State of Colorado with the President's Committee on Migratory Labor and with other state committees; to plan suitable programs of action and assist in their execution.

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[1] The committee's program for continuation of the study is outlined and explained in the last section of this report.

[2] Letter, dated October 15, 1958, from Dr. Ruth Howard, Dept. of Health, to Miss Gwen Geach, Chief, Field Service Branch, Bureau of Labor Standards, U. S. Department of Labor.

Findings of the 1950-1951 Study. The Governor's Study Committee (1950-1951) examined various aspects of migratory labor and reported the findings listed below:

1. Housing for migrants was appraised as "inadequate and unsatisfactory in some areas of the state." Forty-two per cent of the migrant families in 1950 lived in labor camps and nearly 50 per cent in houses provided by growers. Only 17 per cent of the households provided for migrants had rooms used solely for sleeping purposes. Many of the camps had poor sanitation facilities; families were crowded into one or two rooms; some had inadequate cooking facilities and water supplies.

2. The public schools were unable to take care of a seasonal, non-resident school population even if physical facilities were available, because of a lack of staff and other resources to provide a meaningful educational program for migrant children. Problems included: non-attendance and irregular attendance by migratory children, inadequate compulsory attendance law, retardation and grade placement problems, lack of cooperation from many migrant parents, lack of cooperation from some employers, closing of schools during harvest season, and overcrowding and disruption in the schools.

3. With the exception of very limited experimental health programs which had been provided by public health agencies and food processors, there was practically no health or medical service available to migratory workers and their families.

4. While it was impossible to determine exactly how much assistance was available to migratory workers or the extent to which needs were met, it was found that some welfare assistance was extended to them by public and private welfare agencies, but not enough to meet even emergency needs. Problems included: residence requirements, county welfare budget limitations, failure of migratory workers to apply because of language handicaps or no knowledge of how to make application.

5. Existing laws, both federal and state, covering housing, health, education, and welfare had little application to migratory workers. This was also true of statutes pertaining to child labor, workmen's compensation, unemployment compensation, and wage claims.

6. The major role played by the labor contractors and crew leaders in the recruitment and assignment of agricultural labor led to misallocation of labor, lower wage rates, and excessive payments for transportation and subsistence by the migratory worker.

Recommendations Contained in the 1950-1951 Study. As a result of its findings, the Governor's Committee made the following recommendations:

1. A permanent Governor's Committee on Migratory Labor should be established, composed of representatives of state agencies most concerned with this problem and citizens at large representing farmers, processors, organized labor, agricultural labor, and civic groups. This committee should be charged with the following responsibilities:
   a. coordinating the efforts of the various state agencies;
   b. reporting to the General Assembly and recommending necessary legislative action;
   c. developing interstate cooperation;
   d. developing cooperation with the federal government;
   e. continuing to study migratory labor problems and the state's agricultural needs;
   f. sponsoring an annual state conference on migratory labor.
2. The State Department of Employment should be given a sufficient appropriation to carry on an intensive and effective farm labor recruitment program, make studies of migratory labor needs and plans to meet these needs, develop coordination between the sources of agricultural labor and users of same, conduct educational programs among migratory laborers and employers to improve farmer-labor relations and to improve housing and employment conditions.
3. Legislation should be considered to require labor contractors to be licensed by the state at a substantial fee and to post bond.
4. Legislation should be considered to regulate the transportation of workers and provide for inspection by the State Patrol.

5. Adequate funds should be given to the State Department of Health for expanding and assisting local health units to develop adequate control of communicable diseases, expand sanitation services, and expand public health nursing services.

6. Legislation should be considered to give the State Department of Health power to enforce compliance with minimum standards in farm labor housing and sanitation, if it is determined that it does not have such authority.

7. The State Department of Health should formulate reasonable rules and regulations providing for minimum standards for farm labor housing and sanitation.

8. The State Department of Education should develop an educational program suited to the needs of migratory children and should work with educators, school boards, and interested community groups to put such a program into operation.

9. The General Assembly should refer a constitutional amendment to the people to remove the existing conflict between the state constitution and the state law on school attendance.

10. The General Assembly should amend the child labor law to make it consistent with the state compulsory school attendance law and the child labor provisions of the federal Fair Labor Standards Act.

11. The state should provide funds to the counties for the general assistance welfare program.

Proposed Legislation 1951-1955

Many of the recommendations made by the 1950-1951 Governor's Study Committee were embodied in legislation introduced in 1951, 1953, and 1955. This legislation was introduced as House Bill 137 in 1951, as House Bill 401 in 1953, and as House Bill 114 in 1955. In brief, these bills proposed the following:

1. A migratory labor board would be created in the Department of Employment, to consist of the Director of Employment Security, Commissioner of Education, Director of the State Agricultural Extension Service, Director of the State Department of Health, Director of the State Department of Welfare, and the Chairman of the Industrial Commission.

In addition, three public members would be appointed by the Governor with the consent of the Senate to serve for five-year staggered terms. Also on the board and serving as chairman would be the newly appointed director of the migratory labor division.

2. The migratory labor board would have the following powers and duties:

    a. approval of all rules, regulations, and procedures to carry out purposes of the act;

    b. coordination of the activities of the various agencies concerned with migratory labor;

    c. holding of public hearings on migratory labor and the work of the division and survey and study of the division's operations;

    d. preparation of reports annually and at such other times as it may deem appropriate to the Governor and the General Assembly;

    e. application for and acceptance, disbursement, or expenditure of federal grants as may further the purpose of this act;

3. Powers and duties of the Migratory Labor Division:

    a. enforcement of the act's provisions and all other applicable labor laws, including, but not limited to, those relating to private employment agencies, child labor, wage payments, and wage claims;

    b. prescription of minimum standards for migrant labor camps' structural conditions;

    c. inspection to encourage minimum standards of housing and sanitation in such camps;

    d. consultation with employers of migrant labor as to the ways and means of improving living conditions for migrant workers;

    e. in cooperation with the appropriate state agencies, to make provision for the following:

        i. Department of Health--minimum standards for sanitation and preventive and curative health services;

ii. Department of Education--educational facilities for migrant children;

iii. State Patrol--minimum safety standards for protection of migrant workers while in transit;

iv. Planning Commission (now Division)--planning, location, and construction (as soon as conditions permit) of experimental state camps for migrant labor;

v. Agricultural Extension Service--setting up an educational program for employers of migrant labor pertaining to the standards, methods, and objectives of the migrant labor division;

vi. Department of Welfare--devising ways and means for resolving migratory labor welfare problems;

4. Other provisions dealt with the handling of communicable diseases, the frequency of camp inspections, surveys and studies to be made by the division, the certification of labor camps, and penalties for violations of the act.

Legislative Developments 1957-1960

No bills pertaining to migratory labor problems were introduced in 1957; however, an amendment was offered to House Bill 202, which provided for a revision of the Industrial Commission's regulation of wage payments and wage claims. This amendment would have included labor contractors and crew leaders under these regulations. House Bill 202 ultimately passed the House without the amendment and was not reported out of committee in the Senate.

In 1959, House Bill 103 was introduced, which required contractors and crew leaders to keep payroll records and give wage statements to migratory workers. This measure also passed the House, but was not reported out of committee in the Senate.

The General Assembly passed House Bill 62 during the 1960 session. This measure was generally similar to House Bill 103 (1959). As passed by the General Assembly, House Bill 62 requires labor contractors and crew leaders to keep payroll records for three years on each migratory laborer (as defined in the act). These payroll records are to be kept on forms prescribed and furnished by the Industrial Commission and include hours worked, amount earned, and all withholdings. These records are to be mailed to the commission on July 1 and December 1 of each year, or at any time a labor contractor leaves the state or terminates his contract. Also to be included are piece-rate workers to whom the contractor or crew leader pays the aggregate amount earned over a daily or weekly period rather than separately for each unit of harvesting completed, such as a bushel, dozen bunches, etc. In addition, the contractors and crew leaders covered by this legislation are required to give itemized statements to each migratory laborer or to the immediate family head of a working family unit. These statements shall include the wage rate, number of hours worked, wages earned, and all wage withholdings. The Industrial Commission is charged with the responsibility of making periodic reports on these records to the Governor's Committee on Migratory Labor.[3]

Measuring the Migratory Labor Problem

Further discussion of program development by various state agencies and other official efforts in behalf of migratory workers may be more meaningful if attention is focused first on Colorado's utilization of migratory labor. While more detailed information will be found in the Department of Employment's Farm Labor Reports, a summary is presented here on the size and composition of the migratory labor force, the crops which require migratory workers, and the times at which such labor is used.

During the past three years, a maximum of from 13,000 to 14,000 migratory laborers were employed at any one time in the state.[4] Migratory labor is needed in Colorado between the months of May and November. Following is a list of the chief crops for which migratory labor is used and the usual time for each:

Onion weeding, late April to late July.
Sugar beet thinning and hoeing, late May to late July.
Hay harvest, early June to early October.
Vegetable harvest, early June to early November.
Small grain harvest, late June to early August.
Fruit harvest, early June to early November.
Potato harvest, early July to late October.
Sugar beet harvest, early October to mid-November.

The migratory labor force is composed of three categories of workers:

1. intrastate--Colorado residents working in parts of the state beyond commuting distance from their homes;

2. interstate--residents of other states;

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3. The Industrial Commission's experience in administering House Bill 62 during the 1960 calendar year are covered in a later section of this report.
4. These totals are based on State Department of Employment estimates and may not include all workers and crews brought in by private contractors or all workers and crews travelling independently.

3. foreign--in Colorado these are usually all Mexican nationals.

Employment Areas and Peak Employment Periods

Migratory workers are employed primarily in five areas of the state: Northern Colorado, San Luis Valley, San Juan Basin, Arkansas Valley, and the Grand Junction-Palisade area. The number of migratory workers in the state as a whole and by area varies from May to October with the season for each agricultural activity.

The early peak employment period is usually reached in June with most of the migratory labor force concentrated in Northern Colorado for sugar beet thinning and hoeing, so-called "stoop crop" work. It is during this period that the greatest number of Mexican nationals work in the state, as it is usually difficult to recruit either intrastate or interstate domestic workers for "stoop crop" work. Department of Employment statistics for 1959 show that the early peak employment period was reached during the week of June 4, when 12,437 migratory workers were employed. This total included 1,056 intrastate, 5,551 interstate, and 5,830 Mexican nationals.

The late season peak in 1959 was reached during the week of August 27, when 12,828 workers were employed. This total included 2,932 intrastate, 7,124 interstate, and 2,772 Mexican nationals. The chief agricultural activity at that time was the fruit harvest in the Grand Junction-Palisade area. It is less difficult to recruit domestic (both intrastate and interstate) migratory labor for this work, so fewer Mexican nationals were needed.

It should be remembered that many local agricultural workers are employed, in addition to migrants. During the week of June 4 (early season employment peak) local workers constituted 36.2 per cent of the total agricultural labor force, with 7,049 employed. During the week of August 27 (late season employment peak) local workers constituted 48.3 per cent of the agricultural labor force, with 11,975 employed.

The week in which the most Mexican nationals were employed corresponded to the early season employment peak (June 4); at that time there were 5,830. After July 21 the number of Mexican nationals employed in any one week did not exceed 2,800. While there were 7,124 interstate migratory laborers during the week of August 27 (late season employment peak), the largest number of interstate migrants (7,561) were employed during the week of July 9. Intrastate migrants were employed in the greatest quantity during the week of August 20--3,409, with 2,932 employed the following week (late season peak).

The size of the interstate labor force has been fairly constant for the last few years, although there is a marked decrease from 1950, when the maximum peak period interstate labor force was estimated at 18,000 by the Department of Employment as compared with slightly more than 7,000 in 1959. Agricultural mechanization, particularly in sugar beets and the harvest of certain vegetables and grains, has been the primary cause for this reduction. Periods of economic recession also have an effect on the amount of interstate migratory labor needed. During periods of recession, the number of "locals" and intrastate workers available for farm labor increases significantly.

Migratory Labor Supply Sources

Colorado is essentially a receiving state (not a supply state) in the use of migratory labor. Very few resident agricultural workers leave the state for the migrant stream. Colorado's interstate migratory workers come primarily from Texas, Arizona, and New Mexico. Those who come here early in the season may move on to Wyoming, Nebraska, Montana, or Idaho, and return to Colorado in the fall. The largest number of interstate migratory laborers come from Texas. Indians from New Mexico and Arizona also come into the state in significant numbers, and in 1959 Indians from South Dakota were employed.

Developments in Migratory Labor Programs and Services Since 1951

The most significant program developments since the 1950-1951 study have been in employment, education, and health. In addition, the governor appointed an interagency committee on migratory labor (as already mentioned) and attention has been given to promulgating and enforcing safe transportation standards.

Department of Employment

One of the major areas of concern in the 1951 study was the number of migrants recruited and handled by labor contractors and/or crew leaders. It was recommended that the Department of Employment be given sufficient funds to expand its activities in this area. Discussion with the department director and staff members, as well as an analysis of the number and proportion of migratory workers recruited annually by the department, indicates that recruitment services have been greatly expanded since the 1951 study. There is some recruitment by private labor contractors, but the bulk of recruitment other than by the department is done by the sugar companies, processors, and individual farmers. After labor is recruited initially by the department, many farmers make an effort to get the same crews to return in succeeding years. The director of the Department of Employment estimated that 80-85 per cent of all agricultural labor (including Mexican nationals) is recruited by the department. The department, however, has no information as to the number of migrants recruited by the sugar companies or private labor contractors, nor as to the number of migrants who come into the state on their own.

Several of the sugar companies, including Great Western and Holly, have used the department to recruit labor for them. Contractors from other states occasionally work through the employment department, which attempts to match up the labor supply offered by these contractors with the farmers needing it. Growers in the Grand Junction-Palisade area usually avail themselves of this service. The department will work only with contractors who provide migrant workers at prevailing wages and who receive a rate not to exceed 10 per cent of payroll from the farmer, with no additional rebates from the migrant. (Apparently charges for transportation and subsistence are not included in the department's standards for dealing with contractors.)

Annual Worker Plan. The problem of correlating migrant workers with areas of employment when needed (thus reducing migrant unemployment and hoarding of labor when other areas are in need) has been corrected in part by the use of an interstate trip ticket. Crew leaders working through the employment departments of Texas, Arizona, and New Mexico fill out a schedule showing where they expect their crews to be and at what times; for example, Colorado in June, Montana in July, Nebraska in August, etc. The employment office in each state in which the crew is planning to work receives a copy of the trip ticket, which is an aid in determining how many migratory workers will be available in the state at a given time.

Recruitment Procedures. The Department of Employment seldom recruits individual migrant workers. Negotiations are usually made with the crew leaders or family heads and not with labor contractors. The term "family head" appears to be loosely construed to include a spokesman for a group of workers and families, some of whom may be only distantly related. In 1958, the department recruited 3,200 workers in Texas. At least 40 per cent were recruited through crew leaders, with nearly 1,800 (57 per cent) in family groups. The crews averaged 12 to 15 workers and the family groups 6 to 7 workers. The department increased its 1959 recruitment in Texas by 50 per cent, to a total of 4,800 workers.

In recruiting labor, the department informs the family head or crew leader as to the nature of the work, the location, and the wages to be paid. Usually these workers are not recruited for a particular grower at a specified time, because of factors over which it is hard for the department to assume any control, such as climate and crop conditions, the specific needs of individual growers, and other demands for labor at the same time, which might force a market realignment. On occasion, recruitment is made for a specific job, if a grower or a group of growers makes such a request. Sometimes in order to insure that workers will show up on the job as recruited, a travel allowance is made. If such is the case, it will usually be paid to the crew leader or family head, since they usually provide transportation. If transportation is not provided for through a travel allowance, it is up to the crew leaders and family heads to work out arrangements with their workers, and the department has no control over these arrangements or the payments for them.

Once the crews or family groups are in the state, they may move on to other jobs as these become known, even leaving the state (at least for a time). It is also possible that they may have been recruited for work in other states after a particular job is finished in Colorado. Some of the crew leaders, according to the department's farm labor supervisor, are actually labor contractors when they work in some other parts of the country; for example, in the Texas cotton fields. They revert to the role of crew leaders in Colorado, because usually the kinds of agricultural operations here do not lend themselves effectively to the functions of a labor contractor. This is especially true if the members of the crew are scattered among several growers for work, which would be the case with small truck farms in the San Luis and Arkansas valleys. In this instance, the former labor contractor would bring the workers in and when they scattered among the growers, he would also work as a laborer but might be responsible for wages or absenteeism, etc. When it became time to move on, he would round up the crew and provide transportation to the next working place.

Department of Education

The Department of Education is conducting a two facet program for migratory children. First, in cooperation with six local school districts, the department is financing and supervising six-week summer school sessions. Second, in cooperation with the U. S. Office of Education, the department is conducting several research projects.[5] Because of the close relationship between administration of the migratory school program on the state level and the content of the research studies, the grant from the U. S. Office of Education has in effect covered most of the department's administrative costs, as explained in some detail below.

U. S. Office of Education Grant. The U. S. Office of Education gave the Colorado Department of Education a three-year grant of $36,100 to explore and determine adequate organization and education content for migratory school programs. This grant expires on December 31, 1960, and a project renewal has been requested for approximately the same amount of money (to be expended in two years rather than three). This program has been under the direction of Dr. Alfred Potts, who has been the only professional Department of Education official directly concerned with migratory labor education, except for the department's elementary education consultant, who devotes a considerable portion of her time to migrant classroom problems.

The grant given Colorado, according to Dr. Potts, is the only one currently of its kind in the country. The U. S. Office of Education selected Colorado for this grant, because it was felt that Colorado was in the best position to undertake such a project as evidenced by the interest shown in this state and the number of school programs underway prior to the grant. The studies conducted under the grant and the results are not limited in application only to Colorado. The U. S. Office of Education believes that the results will be useful to almost all other states with migrant education problems, and other states have sent consultants to observe the Colorado program.

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[5] Several of these research studies have been printed and include: A Social Profile of Agricultural Migratory People in Colorado, Survey of San Luis Valley School Closures, and The Colorado Migrant Education Program of 1959.

While the contract with the U. S. Office of Education applies primarily to research, the Department of Education has construed the terms quite broadly, because of the relationship between the operation of the school district programs and the research projects. As a result, Dr. Potts is spending about 60 per cent of his time on program administration and consultation and only 40 per cent on research.

Included in the consultative phase of Dr. Potts' work has been the workshop on migrant education held the past two summers for five weeks at Adams State College. This workshop is under his direction, and outside specialists from federal and state agencies have been called in from time to time as consultants. A direct result of the 1959 workshop was the publication of a manual for teaching migrant children entitled, Learning on the Move, A Guide for Migrant Education.

Unless the grant is extended for another two years, the project will be terminated at the end of 1960, because the Department of Education does not have the funds to continue. While termination of the project will not affect financially those summer school programs already underway, it may reduce their effectiveness because of lack of administrative coordination and consultation on the state level. It might also impede the start of programs in other school districts in the state.

Testing. One of the most important of the projects to be undertaken, if the federal grant is extended, is the development of new tests to measure the achievement and intelligence of bi-lingual migrant children. The experience of the past three years has shown that present standardized tests are neither adequate nor reliable for this purpose. Included in the request for an additional $36,000 is $10,000 for the development of intelligence and achievement tests for migrant youngsters on the third and fifth grade levels.

The need for such tests is indicated by the fact that over 90 per cent of migrant children are retarded in age-grade level. This situation is directly related to the large proportion of migrant children who do not attend school on a full-time basis during the regular school year; 40 per cent and perhaps as many as 75 per cent of the 6,200 migrant children in the state in 1959 did not have a full year of school in the previous year. According to Dr. Potts, only one or two per cent of the migrant children are ahead of their age-grade level; the achievement of this small group is a direct result of their intellectual capacity, and is not because they have received adequate schooling.

Adult Education. Adult education programs for migrants appear to be the only means by which these people can be upgraded and have a reasonable opportunity of getting out of the migrant stream. In this connection, it was pointed out to the committee that some 22 per cent of the total national work force was unskilled in

1940. This proportion was reduced to 17 per cent in the early 1950's, and current estimates indicate that only five per cent of the work force will be unskilled in 1975. In order to provide a sufficient number of skilled and semi-skilled workers in anticipation of national needs in 1975, it will be necessary to upgrade migratory laborers and other unskilled workers, according to Doctor Potts. He recommends education for this purpose not only for migrant children, but for young migrants adults as well.

Summer School Programs for Migrant Children. Six school programs were operated during the past summer for migrant children. These summer school sessions lasted six weeks in five of the districts and five weeks in the other--Ft. Lupton. In addition to Ft. Lupton, schools were operated in Palisade, Rocky Ford, Wiggins, San Luis, and Monte Vista. These summer school programs are financed from the contingency fund of the State Public School Fund. The only expense to the school districts is for any supervisory personnel above the grade of principal, and the schools furnish the buildings, equipment, buses, etc. The funds to which a school district is entitled for the operation of these special term schools are determined by a special state aid formula developed by the Department of Education for this purpose.

There were an estimated 700 children enrolled in the summer schools in 1960 as compared with 554 at the start of the program in 1959. Monte Vista had the smallest school, employing only two teachers. There were five teachers each at Rocky Ford and Fort Lupton and four at Wiggins. The Palisade summer program had five teachers last year, but did not need as many this year because of late spring frost damage to the peach crop. Twelve teachers were employed at the San Luis summer school, which covered the southern half of Costilla County.

A census was taken of migrant youngsters of school age in the state last year for the first time. There were 6,200 migrant children, of which 20 per cent were from intrastate migrant families. Of the 6,200 only 633 were enrolled during the regular school year, either in the late spring or the early fall. There is generally less objection around the state to the attendance of migrant children during the regular school year than there was a few years ago. In five of the six areas operating summer schools, effort is made to have migrant children attend the regular sessions as well. There is still opposition in Ft. Lupton on the grounds that the facilities and teaching personnel during the regular school year are insufficient to include migrant youngsters.

Cooperative School Attendance Program. Colorado, Arizona, and New Mexico are cooperating in an interstate program to develop a standardized interstate school records system for migrant children. In addition to records standardization, the program is aimed at providing better communication among the participating states to provide notification on the movement of migrant families and to encourage rapid enrollment of these youngsters when their families reach a new place of employment. Dr. Potts is serving as chairman for the program, which had its beginnings at a three-state conference held in Santa Fe in April, 1959. Texas has indicated that it will participate in the program starting next year.

Department of Health

The Department of Health, through its Maternal and Child Health Section, established a program in 1955 to increase health and medical services available to migrant workers and to improve utilization of these services. The department has been aided financially in this endeavor through an annual grant from the U. S. Children's Bureau. This annual grant is now slightly in excess of $40,000.

In the spring of 1955, the staff for the migrant program consisted of the director of the Maternal and Child Health Section, who gave part time to organization and administration of the program, and a full-time medical social consultant. Two local programs were undertaken at that time in Weld and Mesa counties.

The position of medical social consultant was vacant in 1956, but a full-time nursing consultant with migratory worker clinic experience was added to the staff. Two new local projects in Otero and Rio Grande counties--the latter a short-season project during potato harvest--were undertaken during the summer of 1956. Early in 1957, a Spanish-speaking consultant sociologist was added to the staff and the medical social consultant returned. At the present time, the medical social consultant is still employed, but the sociologist is no longer on the staff and has not been replaced. Staff needs are augmented by the local health departments through the provision of public health nurses for the various projects. Medical services have been provided by local physicians at low flat fees or without compensation. Four projects were operated by the Department of Health during the past growing and harvest season: Weld County (Fort Lupton), Mesa County (Palisade), Otero County, and San Luis Valley. Through these health department programs, medical care, immunization, and preventive services have been provided for migrants. A great deal of effort is expended in educating the migrants in the use of the clinics and in the value of good health practices.

Transportation of Migrant Labor

Two state agencies--the State Patrol and the Port of Entry Division, Department of Revenue--carry out state enforcement of safety standards for transporting migratory workers. State activity in this area is in addition to the regulations established and enforced by the Interstate Commerce Commission. The patrol is specifically interested in: 1) driving qualifications of vehicle operators; 2) vehicle equipment and operation; and 3) comfort and safety of the migrants and other highway users.

In its statement of functions with respect to transportation of migrants which was presented to the Governor's Committee on Migratory Labor, the patrol pointed out, "Patrol officers make a special effort to contact vehicles in which migrants ride, explain Colorado traffic laws to drivers, give requested information, inspect drivers' licenses, ownership papers, and thoroughly inspect equipment. Vehicles found unsafe are held for repairs before being allowed to proceed. Where overloading is found the surplus passengers are unloaded and either distributed to other vehicles in the group, if any, or put aboard buses to their destination. Traffic violations are treated the same as under any other circumstances."

I.C.C. Regulations. The patrol cooperates with the Interstate Commerce Commission in seeing that its regulations pertaining to the transportation of migrants are followed. These regulations include requirements for safe vehicles in good condition with proper safety equipment. The driver must have passed a physical examination, be licensed in his state of residence, and have a sufficient knowledge of English to understand road signs and instructions. No driver may drive more than 16 hours in any 24-hour period, exclusive of rest stops, unless he has had eight hours' rest immediately prior to taking the wheel. There are also restrictions on the number of miles which may be traveled within a given period. Rest stops are required at periodic intervals, and there are specifications for the inside of these trucks, including seat construction and the amount of space per passenger car. These regulations apply to all vehicles used in the transportation of migrants except common carriers, passenger cars and station wagons.

Effect of I.C.C. Regulations. According to Interstate Commerce Commission officials, the effect of these regulations --at least in Colorado--has been a shift in the method of transporting migrants. Rather than bother with compliance, most migrants are now traveling into the state by passenger car and station wagon; some are coming in via private buses or common carrier. Chief Gilbert Carrel, Colorado State Patrol, told the committee that he agreed with this observation of I.C.C. officials. He said that the patrol had contacted 52 trucks transporting migrants in 1958, only nine in 1959, and through September 15 in 1960, only three. He added that to his knowledge there had not been any serious accidents involving migrants traveling in passenger cars and station wagons.[6]

Ports of Entry. For the past four years, the director of the POE Division has traveled to the collection points for the transportation of migratory labor three to four weeks in advance of the first northward movement. His itinerary this year included Socorro and Gallup, New Mexico, and El Paso, Texas. In these cities and in the county seats between Texas and Colorado, regulations and instructions for the transportation of migratory labor are distributed, in English and Spanish, through the sheriffs' offices. According to the POE Division director, this procedure has enabled the ports to clear migratory vehicles in a minimum of time and has resulted in the provision of much safer transportation.

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[6] Legislative Council Committee on Migratory Labor, Meeting of September 19, 1960.

Governor's Committee on Migratory Labor

This committee was first set up unofficially by the heads of the Departments of Health, Education, and Welfare in the fall of 1957. The governor gave official designation to the committee in April, 1958. The main purpose of the committee is to serve as a liaison among the state agencies concerned with migratory labor, and to advise the governor concerning migrant labor problems.

Represented on the committee are the following agencies: Market Division, Department of Agriculture; Port of Entry Division, Department of Revenue; Colorado State Patrol; Farm Placement Division, State Department of Employment; Child Welfare Division, State Department of Welfare; State Department of Education; Child and Maternal Health Section, Department of Health; and the Governor's Office.

A representative of the Colorado Conference on Social Welfare was added to the committee in 1959. The Colorado Conference's Migratory Labor Committee had requested official designation, but the governor preferred to have the committee composed of state officials.

In general, the committee's meetings have been devoted to an exploration of some of Colorado's migrant labor problems, the functions of the various state agencies and cooperation among them. In addition, the committee has given some consideration to the possibilities of interstate cooperation.

Areas for Continued Study and Consideration

The Bracero Program--Employment of Mexican Nationals

The temporary relocation of Mexican nationals to assist in agricultural production in the United States was first arranged in 1942 by executive agreement between the two nations. In 1951, the U. S. Congress passed Public Law 78, which provided for the recruitment and employment of Mexican nationals as agricultural laborers in this country.

Under the terms of Public Law 78, employers who use Mexican nationals are required to enter into an agreement with the United States government covering the following: 1) to indemnify the United States against loss by reason of its guarantee of such employers' contracts; 2) to reimburse the United States for essential expenses, not including salaries or expenses of regular department or agency personnel, incurred for the transportation and subsistence of Mexican nationals, not to exceed $15 per worker; and 3) to pay to the United States an amount determined to be equal to the cost of returning a Mexican national to the reception center, in those instances in which such worker is not returned to the reception center in accordance with the contract.

No workers are to be recruited under the provisions of Public Law 78, unless the U.S. Secretary of Labor has certified that: 1) there is not a sufficient supply of domestic workers in the area; 2) employment of such workers will not adversely affect the wages and working conditions of domestic workers similarly employed; and 3) reasonable efforts have been made to attract domestic workers for such employment at wages and hours of work comparable to those offered foreign workers.

Public Law 78 originally was scheduled to expire in 1953, but there have been several extensions, the last of which was enacted at the last session of Congress and extended the termination date to June 30, 1962. The Public Laws which provided for these extensions also made some other changes in this legislation. These changes included the following: 1) Employers who provide transportation which is equivalent to that provided by the U.S. Department of Labor are not required to make monetary reimbursement. 2) The U.S. Department of Labor has the authority to secure the assistance of both agricultural employers and workers in determining the availability of domestic labor and the effect of the employment of Mexican nationals on prevailing wage rates and working conditions.

In carrying out the terms of the agreement signed with the Mexican government pursuant to Public Law 78 and subsequent legislation, the U.S. Department of Labor has promulgated rules and regulations covering the various aspects of Mexican national employment, such as housing, sanitation, working conditions, and prevailing wages. State employment departments assist the U.S. Department of Labor in determining prevailing wage rates, which the agreement requires must be paid to Mexican nationals.

Legislation was introduced in the past congressional session which would have extended the expiration date considerably beyond the one finally agreed upon. In addition, this legislation would have greatly curtailed the regulatory powers of the U.S. Department of Labor, especially with reference to the certification of need for foreign workers. Opponents of this measure argued that the limitation of the Labor Department's authority would work an additional hardship on domestic migratory labor, who might be displaced through an added influx of Mexican nationals. The measure finally adopted represented a compromise between those who either wished the program terminated or the extension date limited, with an increase in the Department of Labor's authority and those who wanted a long extension and curtailment of the department's powers.

Reaction to Bracero Program. The operation of the Bracero program has been viewed with mixed emotions by both agricultural employers and domestic migratory workers.[7] The employers welcome the opportunity to have a labor supply available for stoop crop work and similar agricultural labor which is disliked by domestic workers. On the other hand, some employers object to the numerous rules and regulations with which they must comply in order to secure the employment of Mexican nationals. Not the least of these objections is the cost of meeting housing and sanitation standards, which some employers consider excessive, especially for the comparatively short time Mexican nationals are employed.

Complaint is also made about the lack of flexibility in the employment of Mexican nationals. They cannot be used for tasks other than those contracted for, even if other work is available instead of the labor originally planned. There is some community objection to the employment of Mexican nationals as well. This objection is usually voiced by local merchants who are unable to sell much merchandise to Mexican nationals, because most of them live frugally and save as much of their wages as possible for use after return to Mexico; in contrast, domestic migrant workers usually patronize local merchants.

Spokesmen for domestic migrant workers feel that growers often create an artificial labor shortage to justify bringing in Mexican nationals. It is contended that the employment of Mexican nationals often depresses the wage level for domestic workers, even though Public Law 78 and the subsequent legislation was aimed at preventing such a situation. It is also pointed out with some bitterness that Mexican nationals have greater legal protections than are usually accorded domestic migrants. Housing and sanitation standards and working conditions are considered to be more adequate for Mexican nationals than for domestic agricultural labor. Further, it is argued that the war-time labor shortage made the importation of foreign labor necessary. Such labor is no longer needed, especially with the increasing use of mechanized agricultural methods.

This argument on the merits of using foreign labor applies not only to the Bracero program, but to the employment of natives of the British West Indies as well. This latter group is employed almost exclusively along the eastern seaboard.

The Bracero program is also involved in the present controversy in California between growers' organizations and the AFL-CIO, which is attempting to organize farm laborers. This organizational effort has involved several strikes by domestic migrant laborers, and the growers have requested the importation of additional Mexican nationals on the basis of need, claiming that domestic

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7. These observations are based on discussions of the Bracero program which took place at the Western States Conference on Migratory Labor held in Phoenix, April 10-13, 1960.

migrants are not available. The California Department of Employment, acting as the U.S. Department of Labor's agent, has refused to certify the need for additional Mexican nationals, contending that the growers wish to use this labor for strikebreaking purposes and that such use is not covered under federal legislation and the U.S. Department of Labor's regulations thereunder. The courts have thus far upheld the California Department of Employment, but an appeal has been made and considerable further litigation is expected.

Workmen's Compensation and Occupational Disease Coverage

Workmen's compensation coverage for migratory labor has been provided thus far in only six states.[8] There appears to be no way of covering migratory workers without extending coverage to all agricultural labor. In most states there has been considerable objection to extending coverage in this way; yet proponents contend that it would be unfair to resident agricultural workers to provide such coverage only for migrants. The increased use of machinery and chemical compounds in agricultural production has increased occupational hazards. The Legislative Council committee on Occupational Diseases received several reports from other states on the occupational hazards resulting from the increased use of insecticides and other chemical preparations. Oregon and California both reported a very high incidence of dermatitis (skin diseases) attributable to this source.

Inclusion of agricultural labor under the workmen's compensation and occupational disease acts might achieve three results:

1) Coverage for employment-connected injuries and diseases could reduce the need for emergency welfare assistance.

2) Employers would be encouraged to improve safety factors, which might also extend to housing and sanitation.

3) Better safety precautions might be taken in the transportation of migratory workers, and such workers would be protected in case of in transit injury.

In Colorado, employers of agricultural labor may elect coverage under workmen's compensation and occupational disease legislation; few have done so, although a considerable number of agricultural employers have liability insurance coverage which applies to employee injuries. A comparative analysis is needed of the rates for workmen's compensation insurance and general liability insurance to determine which provides the most adequate coverage at the least expense.

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[8] These states include: California, Connecticut, Massachusetts, New Jersey, Ohio, and Vermont. In addition, several other states provide coverage for specific farm occupations. These states include: Arizona, Kentucky, Louisiana, Minnesota, New York, Oklahoma, South Dakota, and Wyoming.

Unemployment Insurance Coverage

Unemployment insurance coverage for migrant workers is not now provided by any state and would involve many technical as well as political difficulties. While a method could be found to cover resident agricultural workers, it seems unlikely from preliminary analysis that a state acting independently could provide unemployment insurance coverage for domestic interstate migrants. There are two major obstacles to providing such coverage: 1) Migrant laborers seldom work long enough in any state except their state of residence to establish the standard base period necessary to qualify for coverage. 2) The addition of unemployment insurance coverage in one state and not in others might put growers in that state at a competitive cost disadvantage with growers in the other states.

Consideration was given to unemployment insurance coverage for migrants at the Phoenix western states' conference. While this proposal was viewed favorably by delegates to that conference, it was obvious that considerable study is needed before a plan can be developed.

If an equitable method of providing unemployment insurance coverage can be found, it might have the effect of more efficient utilization of migratory labor, thereby reducing periods of unemployment. It would certainly necessitate further interstate cooperation in the movement and more effective utilization of migratory labor.

Minimum Wage Legislation

Considerable study appears necessary on this subject before an acceptable proposal can be developed. If such legislation is considered, preliminary analysis indicates that it would be more desirable to establish minimum wage rates either through interstate agreements or by federal legislation. (Federal legislation has already been proposed by the Secretary of Labor, but the suggested minimum of $.60 to $.70 per hour is below the prevailing rates for agricultural labor in most parts of the country.)

At the Phoenix conference, minimum wage legislation was generally favored by representatives from the states with the highest wage rates for agricultural labor (Nevada, Oregon, and Washington). The most vocal opposition to such legislation was heard from Arizona and Texas delegates. Arizona and Texas are the main agricultural labor supply states for the West Coast and Rocky Mountain regions and have the lowest wage scales for agricultural labor.

The states with high wage scales favor minimum wage legislation which would apply either nationally or to a several-state area. It would be to the advantage of these states to have a minimum rate set high enough to increase wages in states such as Texas and Arizona. Such an increase would narrow the gap in production costs with the result that the higher wage states would be in a better competitive position from a marketing standpoint.

Texas and Arizona growers oppose minimum wage legislation, because there is usually a large labor supply available in these states (especially in the winter months), which makes it possible to keep wage rates comparatively low. For example, $.85 per hour is about the average in Arizona, while agricultural labor in the state of Washington averages $1.22 per hour, according to the Washington Department of Employment's Farm Labor Supervisor.

The forgoing discussion illustrates the disadvantage of minimum wage legislation which would apply only to one state. If such legislation set a minimum rate higher than the usual rates in surrounding states, agricultural producers would have a cost disadvantage, even though a sufficient supply of labor would be assured. On the other hand, a low minimum rate (below the general average) set by legislation would accomplish little beyond a formal expression of public policy.

Unless there is a change in attitude toward minimum wage legislation on the part of Texas and Arizona growers, legislators, and officials, there is little chance that satisfactory minimum wage rates can be established by agreement among the western and mountain states. Federal minimum wage legislation, therefore, may be the only feasible possibility.

A great deal of concern has been expressed over the conversion of piece rates to hourly rates for the purposes of establishing minimum rates and determining whether minimum rate standards are complied with. It appears that a satisfactory solution to this problem will have to be found before legislation establishing realistic minimum rates can receive general acceptance.

Agricultural Wage Rates in Colorado. The wage rates paid migrant labor in Colorado for some crops and agricultural activities are shown in Table I. These data were compiled by the State Department of Employment. The department is required to make surveys of prevailing wage rates for domestic migrants in conjunction with the Bracero program, as the agreement with Mexico and subsequent federal legislation provides that Mexican nationals shall receive the prevailing rate.

Housing and Sanitation

The State Department of Health and the state health board appear to have the statutory authority to promulgate housing and sanitation standards for migratory labor camps. Following is a summary of these statutory provisions:

66-1-8 (4) CRS 1953--authorizes the State Board of Health to issue orders, adopt rules and regulations, and establish standards, which it deems necessary to administer and enforce the public health laws of the state.

TABLE I

WAGES PAID IN VARIOUS CROP ACTIVITIES IN COLORADO USING SEASONAL LABOR[1]

Crop Activity	Northern Colorado	Arkansas Valley	San Luis Valley	Western Slope
Lettuce Thinning	75¢-$1.00 hr.		12¢ per 100' bed 75¢ hr.	
Lettuce Harvest			21 1/2¢ carton	
Bean Picking	2 1/4¢-2 1/2¢ lb.	2¢ lb.		
Pickle Preharvest	75¢-$1.00 hr. $6.00 acre	65¢-75¢ hr.		
Pickle Harvest	50% Graded Crop			
Cabbage Harvest			65¢ hr.	
Radish Harvest		6¢ doz. bunches		
Radish - Top	50¢-$1.00 bu.	2¢ lb. -80¢ bu.		
Asparagus Harvest	75¢-$1.00 hr.	$1.00 hr.		
Corn Picking	75¢ hr.			
Mixed Veg. Harvest	75¢ hr.			
Green Onions	9¢-12¢ doz. bunches	7¢ doz. bunches		
Red Beets		7¢ doz. bunches		
Pepper Harvest	15¢ bu. - 75¢ hr.	15¢ bu.		
Turnip Harvest	75¢ hr.	3¢ doz. bunches		
Sugar Beet-1st Hoeing	$6.00 acre	$6.00 acre-75¢ hr.		$6.00-$6.50 acre
Sugar Beet-2nd Hoeing	$4.00 acre	$4.00 acre		
Sugar Beet Thinning, Hoe & Finger Thinning without machine thinning	$14.50 acre	$14.50 acre-75¢ hr.		$14.50 acre
Sugar Beet Thinning Hoe Only	$9.50 acre			
Partial Machine Thinning	$11.50 acre	$11.60 acre		
Sugar Beet-wnd Hoe				
Clean Field	$4.00 acre			
Moderate Weedy	$6.00 acre			
Medium Weedy	$7.00 acre			
Very Weedy	$10.00 acre			
Multicrop Preharvest	75¢-$1.00 hr.	65¢-75¢ hr. -$8.00 acre	65¢-$1.00 hr.	75¢-$1.00 hr.
Multicrop Harvest	75¢-$1.00 hr.			
Turnip Bunching	15¢doz. bunches			
Green Onion Bunching	9¢ doz. bunches			
Dry Onions	10¢ sack	15¢-80lb. sack 10¢-50lb. sack		
Hand Topping Onions	10¢ sack			
Sweet Corn Picking	75¢ hr.			
Cabbage Preharvest	75¢-80¢ hr.			
Cabbage-cut, pick, load	$1.00 hr.			

Table I (continued)

Crop Activity	Northern Colorado	Arkansas Valley	San Luis Valley	Western Slope
Small Grain Preharvest		$5.00-$7.00 day	$1.00 hr.	$1.00-$1.25 hr.
Small Grain Harvest	$1.00-$1.25 hr.	$10.00-$15.00 day		
Potato Preharvest		$1.00 hr.		
Potato Harvest	20¢-22¢ sack	70¢-75¢ hr.	$1.00 hr.	
Melon Preharvest		65¢-75¢ hr.		
Melon - pick & load		75¢ hr.		
Irrigation	$1.00-$1.25 hr.	$6.00-$7.00 acre	70¢-$1.00 hr.	$125-$150 month $1.50-$1.00 hr.
Dry Bean Preharvest	75¢-90¢-$1.00 hr.		75¢-$1.00 hr.	75¢-$1.25 hr.
Hay Harvest	$1.00-$1.25 hr.	65¢-$1.00 hr.	$1.00 hr.	$1.00 hr.
Pea Harvest	$1.00 hr.			
Cherry Harvest	2¢ lb.			
Tomato Preharvest	75¢ hr.			
Tomato Harvest	11¢ lug			

1. Does not include the value of fringe benefits such as housing, fuel, food products, etc., which may be provided.

66-1-7 (5) CRS 1953--authorizes the department to establish and enforce minimum general sanitary standards pertaining to the quality of water supplied to the public and to the quality of effluent of sewerage systems and trade wastes.

66-1-7 (13) CRS 1953--authorizes the department to establish and enforce sanitary standards for the operation of industrial and labor camps.

66-2-6 CRS 1953--authorizes county health departments to carry out state laws and regulations. Subsection (10) of this section authorizes county departments to make necessary sanitary and health investigations on its own initiative or in cooperation with the state department on matters affecting public health within the jurisdiction and control of the department.

While the Department of Health has the necessary statutory authority to make regulations and inspect facilities, these statutes do not contain penalty provisions, making enforcement difficult. Because of the Casey decision[9] handed down by the Colorado Supreme Court, in which the court held that violation of a regulation could not be construed as a misdemeanor without proper statutory authority, the department is examining all its statutes, rules, and regulations with the aim of suggesting needed statutory revision to the General Assembly. The Department of Health had hoped that at least a portion of this revision would be ready for the 1961 session, but it now appears that it will be 1962 before the department will have the revision prepared.

Because of these questions concerning statutory authority, the department has not gone ahead with migrant housing and sanitation regulations. An additional obstacle has been the inability to recruit an experienced, qualified health officer on the state level with camp housing and sanitation experience.

Housing Adequacy. Dr. Ruth Howard, Director, Child and Maternal Health Section, State Department of Health told the committee that Colorado migrant housing was about average for the nation and that camp housing was not too bad if it was thought of with respect to the length of time it would be used in each year. For example, the Fort Lupton camp has pretty good laundry and bathing facilities, good water, screening, and trash disposal, but lacks refrigeration. She said that cooperation and policing practices are good. The camp will house 1,200 without overcrowding. The Palisade camp is quite similar and the whole camp is used only for three weeks -- the peak of the harvest -- although it is open from June 15 until after the peach harvest in September.[10]

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[9] Casey v. People, 336 Pacific 2nd 308.

[10] Legislative Council Committee on Migratory Labor, Meeting of September 19, 1960.

Obstacles to Improved Housing. There are several difficulties in developing improved housing for migrants: First, individual farmers who use migrant labor for short periods cannot afford to construct housing which remains idle most of the year. Second, if new houses are built or older housing remodeled, the assessed value of the property is raised, even though the buildings are used only a small portion of the time.

It has been suggested that consideration be given to building more central camps such as exist at Palisade and Fort Lupton. Workers could be transported to farms in the area in much the way as is done with the day haul program. Central camps could be developed and maintained on a cooperative or group basis by growers' associations or similar organizations. The objection has been made that central camps might not be an adequate solution in certain areas of the state such as the San Luis Valley, because of the wide area which must be covered in a short period of time during potato harvest.

Education

While there have been significant gains in the education of migrant children in Colorado in the past few years, programs are as yet insufficient to meet the needs. Dr. Potts estimates that at least 15 summer schools are needed in comparison with the six operated during 1960. While a more adequate summer school program will assure school attendance for at least six weeks by a much larger number of migratory children, it offers no solution to the problem of regular school attendance. To a considerable degree, regular school attendance for migrant children is a problem which should be solved in the migrants' home base states where they spend the greatest portion of the year at any one time. A majority of migrant families do not come to Colorado at a time when regular schools are in operation; still further study is needed of the methods which might be used in overcoming obstacles to regular school attendance for those migrant children who are in Colorado during a portion of the regular school year.

In considering the problem of regular school attendance it should be remembered that mere attendance is no guarantee of educational benefits. Most of the migrant youngsters in Colorado come from Spanish cultural backgrounds and are bi-lingual, which usually results in an added handicap -- equal inability in both languages. These youngsters, unless adequately prepared and motivated, usually cannot profit from the normal classroom experience. Such preparation and motivation can be developed through smaller classes taught by teachers with special training. In addition to special training, these teachers should have sympathy with these migrant youngsters, have a great deal of patience, and be able to understand and work with them.

Considerable emphasis is placed on educational opportunities for migrants, because it is through education that migrant children and young adults have the best opportunity of leaving the migrant stream for permanent semi-skilled and skilled employment. That there has been national recognition of the importance of migrant education is shown by legislation introduced in the last session of Congress to provide federal aid for this purpose. Under the proposed legislation, federal aid would be provided to state departments of education for three purposes:

1) to expand present summer school programs in states where they exist and to encourage other states to establish such programs;

2) to help offset the additional expense resulting from the attendance of migrant children during regular school terms; and

3) to foster adult education programs.

Cost of Summer School Program. The 1960 summer school program cost the Department of Education almost $29,000. If enough summer schools were established to handle adequately all sections of the state where migrant labor is used in any great quantity, it would require an expenditure of $90,000 to $95,000 per year, according to Dr. Potts. As indicated earlier in this report, the summer school program is financed from the contingency fund of the Public School Foundation Fund. This fund is established for emergencies or unexpected expenditures of school districts, and the remainder of this fund at the end of the fiscal year is distributed among all districts in the same way as the foundation fund. The department has established rules and regulations concerning the financing of the summer schools from the contingency fund, including a formula for allocation. The department pays all costs of operation, except for facilities, maintenance, and the salaries of supervisory personnel above the principal level. The classroom limit is based on only 15 students because of the specialized nature of instruction; each student needs and receives individual attention and teaching. In some instances, it has been found that 15 students are too many, according to Dr. Potts. In his opinion an ideal ratio should be 8 to 10 students per teacher.

While a precedent has been established in special education programs that local districts should pay one-half the cost, there are several reasons, in the committee's opinion, why the present method of financing the summer school program should be continued:

1) These youngsters are not Colorado residents and their families have been brought into the state to assist in agricultural production, which adds to the state's economy; therefore, the provision of educational opportunities can more rightly be considered a state responsibility rather than that of individual school districts.

2) Encouragement is needed to expand this program to the extent necessary. School districts are more likely to participate under the present method of financing than if they have to use district funds for this purpose.

3) The Department of Education is able to exercise sufficient control over the summer school program to insure that adequate standards are met, without being tied to a rigid formula which precludes flexibility when necessary.

Welfare

Hospitalization and medical expenses and lack of employment are the major reasons why migrant workers and their families seek emergency welfare assistance. Lack of county welfare funds and the lack of migrant resident status are the major reasons why migrant requests for such assistance are often rejected.

County Questionnaire. The State Department of Welfare, in cooperation with the Council staff, submitted a questionnaire to the 29 counties thought to have the greatest influx of migrant agricultural labor during the growing and harvest seasons. The 29 county departments of welfare were asked: 1) the amount of financial assistance given migrants for the years 1958, 1959, and 1960 (through September 30); 2) the types of financial assistance given; 3) the number of migrant families and individual migrants for whom such assistance was provided; 4) the reasons why assistance was requested; 5) the reasons for rejecting such assistance; 6) other services for migrants provided by the welfare department; and 7) evaluation of present programs and the need for expanded services.

Replies were received from 27 counties, nine of which indicated that either no financial assistance had been provided migrants during the three years or specified that the amount spent was so small that no separate records had been kept. These nine counties included: Conejos, Costilla, El Paso, Fremont, Moffat, Montezuma, Montrose, Otero, and Routt. Montrose county reported that it had requests only from migrants en route to or from the peach harvest in Mesa county, with travel assistance sometimes provided. The Otero county welfare department acknowledged the need for welfare assistance, but indicated that none had been provided because of lack of welfare funds and the feeling that welfare aid for migrants was a state and national responsibility rather than a local concern.

The amount and kinds of welfare assistance provided in the other 18 counties to which questionnaires were sent is shown in Table II, along with the number of single migrants and migratory families receiving help.

TABLE II

Welfare Assistance for Migrants, Expenditures in Selected Counties[a/] 1958, 1959, and 1960[b/]

County	Annual Expenditures $	No. of Migrants Helped		Type of Financial Assistance						
		Families	Single	Medical[c/] $	Food $	Travel $	Rent $	Fuel $	Burial $	Other $
Adams										
1958	105.00	1			105.00					
1959	95.00	2			68.00			27.00		
1960	307.00	3			155.00		96.00	56.00		
Alamosa										
1958										
1959										
1960	455.20		2	455.20						
Arapahoe										
1958	218.30	1			218.30					
1959	71.30	1			71.30					
1960	713.60	1			713.60[d/]					
Baca										
1958	771.10	39	20	136.19	634.91					
1959	172.22	14	19	30.00	142.21					
1960	54.46	4	9	7.88	46.58					
Bent										
1958	57.02	1	1		52.02	5.00				
1959										
1960	95.00	3			65.00	30.00				
Crowley										
1958	8.50		1			8.50				
1959										
1960										
Delta										
1958	1,141.80	13	2	741.66	313.69				86.45	
1959	5,786.33	7	5	5,218.52	568.31					
1960	2,054.76	3	3	1,152.35	902.41					
Gunnison										
1958	163.86	20	1		107.25	52.08		4.53		
1959	141.81	12			123.25	18.56				
1960	317.55	27	9	84.40	107.50	91.15	34.50			
Huerfano										
1958	2,541.32	8	19	2,473.65		67.67[e/]				
1959	452.85	13	15	324.15	5.00	123.70				
1960	2,149.74	8	14	1,707.14	442.60					
Kiowa										
1958	635.81	6	1	390.70	245.11					
1959	842.42	3	2	263.85	20.57				200.00	358.00[j/]
1960	110.63	4	1		110.63					
Larimer										
1958										
1959										
1960	926.36	1		662.16	106.20				158.00	
Logan										
1958	256.00		1	256.00						
1959	71.95		3		13.26	58.69				
1960	61.95	1	2	7.23	36.00	18.72				
Mesa										
1958	981.23	35[f/]		642.03	339.20[d/]					
1959	639.21	14[g/]		153.90	338.81	138.50				
1960	351.26	12[h/]		5.61	141.00	204.65				
Morgan										
1958	430.67	3		7.95	374.03					48.69[i/]
1959	573.55	6		282.60	113.95	50.00[e/]			70.00	50.00[j/]
1960	188.60	1	1	123.60		65.00				
Prowers										
1958	227.05	2	1	11.75	5.30				175.00	35.00[j/]
1959	273.74	2	1	273.74						
1960	6.00	1		6.00						
Rio Grande										
1958	766.82	10	2	22.30	478.87	85.65				80.00[j/]
1959	236.75	6	1	30.75	206.00					
1960	158.90	3			64.00	79.90				15.00[j/]
Saguache										
1958	20.00	1			20.00					
1959										
1960										
Weld										
1958	4,201.40	23		- - - not indicated - - -						
1959	353.00	5	33	- - - not indicated - - -						
1960	2,355.86	8	68	- - - not indicated - - -						

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a/ Counties with greatest number of migrants, except for those reporting no expenditures.
b/ Through September 30, 1960.
c/ Includes hospitalization.
d/ Includes rent.
e/ Includes food.
f/ 35 cases representing 59 adults, 69 children.
g/ 14 cases representing 35 adults, 38 children.
h/ 12 cases representing 24 adults, 50 children.
i/ Utilities.
j/ Unspecified.

Extent of Financial Assistance. Slightly more than $12,500 was spent for aid to migrants by these 18 counties in 1958; in 1959, the total was $9,710, and slightly more than $10,300 was expended during the first nine months of 1960. As shown in Table II, Delta, Huerfano, and Weld counties had the largest expenditures for this purpose during the three-year period. In 1958, assistance was provided for 163 families and 48 single migrants; 87 families and 79 single migrants received assistance in 1959, as did 80 families and 109 single migrants during the first nine months of 1960.

Medical care (including hospitalization) and food orders comprised the major types of assistance provided migrants during these three years. Slightly more than 60 per cent of the funds expended were used for medical care and almost 30 per cent for food. Other types of financial assistance included: transportation, fuel, burial, and rent.

Reasons Why Assistance Requested. Fifteen counties reported that medical assistance was a primary reason why welfare aid was requested, and 13 listed unemployment. Some indicated that unemployment resulted because migrants appeared before they were needed, and others stated that at the close of the harvest season some migrants were without employment and had no funds for subsistence or travel. Three counties replied that death of a migrant or some member of his family was a major reason for assistance requests -- usually for burial expenses, food, and rent if the deceased was the major breadwinner. Several counties indicated that many migrants intransit either have a vehicle breakdown or find themselves without funds and so request help.

Reasons Why Assistance is Rejected. Three counties (Baca, Gunnison, Mesa) reported that they very rarely rejected migrant requests for emergency assistance, especially if small children were involved. Five counties indicated that assistance is rejected if employment is available, and the migrant is able to work. Assistance is not given in two counties because of residency requirements, and a few counties stated that assistance is not provided if investigation indicates that the family has sufficient financial resources.

Other Services Provided Migrants by County Welfare Department. Assistance in finding employment, referrals to private welfare and service agencies, and referrals to other public agencies comprise the bulk of services other than financial assistance provided for migrants by county welfare departments. Eight counties indicated that they referred migrants to employment agencies or other employment sources, and the same number reported referrals to church groups, Salvation Army, Red Cross, American Legion, and similar organizations.

Organized Approach in Assisting Migrants. Only the Mesa County Welfare Department reported an adequate community-organized approach to assist migrants. The Mesa County Migrant Council coordinates the efforts of public agencies such as welfare and health, private groups, interested citizens, and growers. Several other counties indicated a need for this type of organization.

Evaluation of Assistance Programs. Three counties (Arapahoe, Logan, and Moregon) were of the opinion that the present level of assistance was adequate to meet short term emergencies. Five counties (Bent, Gunnison, Kiowa, Prowers, and Weld) stressed the value to both migrant families and the community of services and assistance provided. Mesa and Boulder counties commented that present residence requirements restrict proper planning and assistance for migrant families, and several counties stated they were hampered because of lack of funds.

Need for Expanded Services. If state and/or federal funds were provided to assure adequate assistance to migrants under existing programs, there would be no need for expanded services, in the opinion of many of the county departments of welfare answering the questionnaire. Several counties specified a need for services other than welfare. In the San Luis Valley, Alamosa County cited schools and recreation programs, and Rio Grande County recommended the employment of a full-time public health nurse. Two counties (Baca and Kiowa) stated that there was need for greater coordination and exchange of information between the welfare department and state and private employment agencies. Weld and Larimer counties were of the opinion that welfare assistance for medical care and hospitalization should be increased.

Licensing and Regulation of Labor Contractors and Crew Leaders

A labor contractor, in the strictest definition of the term, performs the function of recruiting migratory laborers and transporting them to farmers and growers who have contracted with him for a certain number of workers at a certain rate and for a certain specified time. He may, although not necessarily, act as a foreman or overseer for his recruits and handle the payroll, grievances, and other matters of employer-labor relations. For this function he receives a specified fee from the employer. In addition, depending on circumstances, he may be reimbursed by the migratory workers for transportation and/or subsistence. He may also receive a portion of their wages for acting as the group's agent and performing a variety of services.

The crew leader is often thought of as having a somewhat different function from that of labor contractor, although in practice it may be the same. He is usually the spokesman in a group or pool of migratory workers. As such he may handle transportation, job assignment and location, and provide field supervision. He may remain with one crew, traveling from state to state, and providing leadership. His relationship with the employers usually is about the same as the labor contractor's inasmuch as he performs about the same functions, except for one crew rather than several. He may be paid by the employer for his services in much the same way as the labor contractor is compensated, and he may also receive payment from his crew members.

Regulation in Other States. Eight states and Puerto Rico have laws or regulations applying to the licensing and control of labor contractors or crew leaders. Six of these have laws that expressly provide for the licensing and regulation of labor contractors who receive fees for recruiting farm workers -- California, Nevada, Oregon, Puerto Rico, Texas, and Washington. The Pennsylvania Department of Labor and Industry has issued regulations requiring crew leaders who recruit migratory workers to be licensed. A New York law requires both contractors and crew leaders to register and to furnish both the labor department and workers with certain information on wages, housing, and working conditions.[11]

Administration of House Bill 62 (1960). House Bill 62 requires labor contractors and crew leaders to keep payroll records on each migratory laborer as defined in the act to whom they pay wages. These payroll records are to be kept on forms prescribed and furnished by the Industrial Commission and include hours worked, amount earned, and all withholdings. These records are to be mailed to the commission on July 1 and December 1 of each year or at any time a labor contractor leaves the state or terminates his contract. The contractors and crew leaders covered by this legislation are also required to give itemized statements to each migratory laborer or to the immediate head of a working family unit. These statements are to include the wage rate, number of hours worked, wages earned, and all wage withholdings. The Industrial Commission is charged with the responsibility of making periodic reports on these records to the Governor's Committee on Migratory Labor.

The Industrial Commission, in evaluating its experience thus far in administering the provisions of H.B. 62, has taken into account the short period that this legislation has been in effect. It is the opinion of commission members that additional experience is needed before an adequate evaluation can be made and recommendations for improvement be realistically proposed.[12]

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[11] This latter provision is similar to H.B. 62, (1960), except that H.B. 62 is limited to wage information.

[12] This and following information was presented to the Legislative Council Committee on Migratory Labor, Meeting of October 24, 1960.

The Industrial Commission was handicapped by a lack of funds to administer the act, which delayed the printing of forms and explanatory material and also necessitated the borrowing of field staff from other commission divisions. As the first step in administering H.B. 62, the commission prepared and circulated copies of the act and an explanation of its provisions. Posters calling attention to the act's provisions and application to labor contractors and crew leaders were placed in ports of entry, on farms, and in business establishments. Effort was also made by field staff members to contact labor contractors and crew leaders. The forms, posters, and other materials used were printed in both English and Spanish to facilitate better understanding.

Even though House Bill 62 did not provide for the registration of labor contractors and crew leaders, it was the opinion of the Industrial Commission that such registration was necessary as a control in administering the act. Consequently, the commission issued a regulation requiring each labor contractor and crew leader as defined in H.B. 62 to register with the commission. (Because there is no statutory requirement for registration, no penalty could be invoked against any labor contractor or crew leader for failing to do so.)

Although the Industrial Commission has carried out an extensive information program and has attempted to contact labor contractors and crew leaders personally, only one (a labor contractor) has been found thus far, who is subject to the provisions of House Bill 62. This failure to register labor contractors and crew leaders is not the fault of the Industrial Commission's program; rather, the commission has found that the labor contractor and crew leader as defined in H.B. 62 is virtually nonexistent. With one exception, the commission's field staff found that labor contractors and crew leaders in Colorado neither maintain payroll records nor pay migratory field laborers directly.

The commission reports that the majority of farmers in most of the areas using migratory labor appear to be paying wages directly and are keeping their own payroll and employment records. The growers have assumed this function for two major reasons, according to the commission: 1) Payroll information is needed by growers for tax reports. 2) Past abuses and unpleasant experiences with the labor contractor and crew leader system have resulted in many farmers taking over the payroll function. Consequently, crew leaders in Colorado appear to be employees, acting as field foremen or "pushers" for which they receive additional compensation. Labor contractors are few in number, because of the increased recruitment activity by the State Department of Employment. Crew leaders, according to the Industrial Commission, appear to be making every effort to be classified as employees rather than employers; many even have written agreements with the farmers stating that they are employees. In the commission's opinion this action on the part of crew leaders is not a recent development, and, therefore, should not be construed as an attempt to avoid complying with the provisions of House Bill 62.

While it appears that this legislation has fallen short of accomplishing its purposes (the provision of adequate payroll statements to migratory laborers and the prevention of wage payment abuses), the Industrial Commission is of the opinion that at least another year's experience is necessary before a proper evaluation of House Bill 62 can be made.

Proposal for Continued Study

A realistic appraisal of migratory labor problems and a proper evaluation of proposals for improvement cannot be made without first hand knowledge concerning the migrant and the conditions under which he and his family live and work. For this reason, the committee proposes that a comprehensive field study be made as the next step in its study program this field study to be coordinated with a series of committee regional meetings in the five areas of the state where the greatest number of migratory workers are employed: Northern Colorado, Arkansas Valley, San Luis Valley, Western Slope, and San Juan Basin. (The technique of combining an extensive field study with regional committee meetings was used very successfully by the Oregon Legislative Interim Committee on Migratory Labor created by the 1957 session of the Oregon Legislature.)

Field Study Content

It is proposed that the staff undertake a field study which would include but would not necessarily be limited to the following

1) examination of facilities for housing migratory workers;

2) observation of agency programs for migrants -- education, health, transportation;

3) observation of employment department field operations;

4) interviews with personnel involved in 2 and 3 above;

5) interviews with a representative sample of migratory workers designed to find out such things as:
    a) composition of migrant labor force,
    b) educational achievement and problems,
    c) various aspects of migrant life such as cultural background, place of residence, family, education, work skills, migrant route followed, and variety of agricultural work, and
    d) economics of migratory existence -- income and expenditures;

6) interviews with a representative sample of growers, community leaders, labor contractors, and crew processors and related industrial leaders to find out their attitudes toward migrant labor and its problems, suggested improvements, community reactions, etc.

It is also suggested that committee members participate in the field study as observers whenever possible to get a close-up picture of the migrant and his environment. Based on the Oregon experience, at least 800 to 1,000 migrants should be contacted during the field study to assure a reliable, representative sample.

As a result of the data expected from the field study, it is anticipated that for the first time the General Assembly will have a comprehensive picture of who the migrant is, his background and ambitions, and his living and working conditions.

Regional Meetings

The five areas of the state using the greatest proportion of migratory labor could be covered adequately by holding regional meetings as follows:

Northern Colorado -- Greeley
Arkansas Valley -- La Junta
Western Slope -- Grand Junction
San Juan Basin -- Cortez
San Luis Valley -- Alamosa

Growers, processors and representatives of related industries, labor contractors, crew leaders, local agency officers, community leaders, representatives of organizations working on migrant problems, and other interested people might be invited to these regional meetings. In conjunction with these meetings, the committee might take the time to inspect local facilities for migrants.

Other Area of Study

In addition to the field work and regional meetings, the committee proposes that the following matters be included in the study program:

1) continued examination and evaluation of state programs concerning migrants and their families;

2) more extensive study of programs for migrant workers and their families in other states and the possibilities for interstate cooperation, with consideration given to studies and recommendations made in these states and their applicability to Colorado;

3) compilation and analysis of material pertaining to minimum wage legislation, workmen's compensation, unemployment insurance coverage, and housing and sanitation standards; and

4) study and appraisal of federal developments concerning migrants, with emphasis on proposed legislation.

Committee Recommendations

At this point in the study, it is very difficult to make specific recommendations except one: that the General Assembly pass a joint resolution to continue the migratory labor study. The committee is of the opinion, however, that it has compiled and considered sufficient information to make a few general recommendations:

1) The present summer school program for migrant children should be expanded by the State Board of Education to provide educational opportunity for as many migrant children as possible. This program should continue to be financed as at present from the contingency fund of the Public School Foundation Fund. This method of financing provides encouragement to local districts and gives recognition to state responsibility, while providing the State Board of Education with sufficient authority to regulate and administer the program. Should the federal grant for the migrant education research project not be continued, sufficient state funds should be provided to assure continuity at the present level in the State Department of Education's administration of the migrant education summer school program.

2) The statutes which authorize the State Board of Health and state and local health departments to perform specific functions and promulgate rules and regulations, especially with respect to labor camps and sanitation should be revised to give these agencies adequate regulatory and enforcement powers.

3) The employment of Mexican nationals should be studied further, and greater effort should be directed at employing domestic interstate and intrastate migrants whenever possible.